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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,305	03/12/2004	Takahiro Kume	742158-9	5795
	7590 01/03/200 OTKOWSKI & HOB	EXAMINER		
P. O. BOX 1000	54	CHANG, VICTOR S		
MCLEAN, VA 22102-8064			ART UNIT	PAPER NUMBER
			1794	
			NOTIFICATION DATE	DELIVERY MODE
			01/03/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Dbeltran@rmhlaw.com LGallaugher@rmhlaw.com

	Application No.	Applicant(s)					
	10/798,305	KUME ET AL.					
Office Action Summary	Examiner	Art Unit					
	Victor S. Chang	1794					
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence add	ress				
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be time will apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	J. nely filed the mailing date of this com D (35 U.S.C. § 133).					
Status							
1)⊠ Responsive to communication(s) filed on <u>07 De</u>	ecember 2007.						
	action is non-final.						
<i>,</i> —	· 						
closed in accordance with the practice under <i>E</i>							
Disposition of Claims							
4)⊠ Claim(s) <u>1-23</u> is/are pending in the application.							
4a) Of the above claim(s) <u>4-8 and 10-20</u> is/are v	withdrawn from consideration.						
5) Claim(s) is/are allowed.							
6)⊠ Claim(s) <u>1-3,9 and 21-23</u> is/are rejected.	·_ · · · · · · · · · · · · · · · · · ·						
7) Claim(s) is/are objected to.							
8) Claim(s) are subject to restriction and/or	election requirement.						
Application Papers	·						
· · · <u> </u>	•						
9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.							
Priority under 35 U.S.C. § 119	animor. Note the attached cines	7.00.017 01 1011111 1 1 0	7 102.				
		(1) (6)					
12) Acknowledgment is made of a claim for foreign	priority under 35 U.S.C. § 119(a)	-(a) or (t).					
a) ☐ All b) ☐ Some * c) ☐ None of:	. In a constitution of						
1. Certified copies of the priority documents		NI -					
2. Certified copies of the priority documents		<u> </u>					
	3. Copies of the certified copies of the priority documents have been received in this National Stage						
application from the International Bureau (PCT Rule 17.2(a)).							
* See the attached detailed Office action for a list of the certified copies not received.							
Attachment(s)							
1) Notice of References Cited (PTO-892)	4) Interview Summary						
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Da 5) Notice of Informal P						
Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date	6) Other:						

Application/Control Number: 10/798,305 Page 2

Art Unit: 1794

DETAILED ACTION

Introduction

- 1. Applicants' amendments and remarks filed on 12/7/2007 have been entered. Claim 1 has been amended. Claims 1-3, 9 and 21-23 are active.
- 2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
- 3. Rejections o maintained are withdrawn.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- 5. Claims 1-3, 9 and 21-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Prasad [US 6913517].

Prasad's invention relates to polishing pads for chemical-mechanical polishing. The polishing pad comprises a porous foam having a uniform pore size distribution [col. 1, ll. 11-13]. The porous foam comprises open cells (holes connecting cells) and about 5% or more closed cells [col. 5, ll. 21-24]. Fig. 3 is a scanning electron microscopy (SEM) image of a cross-section of a porous foam sheet. Fig. 15 is a SEM image of a solid thermoplastic polyurethane sheet at a

greater magnification. Fig. 1 is a SEM image shows that the porous foam has a surface layer of smaller cell sizes. Fig. 8b shows an Energy Dispersive X-ray (EDX) silica mapping image a microporous foam polishing pad with the extent of penetration of the silica abrasive through the thickness after polishing 20 silicon dioxide blanket wafers (shows network of continuous holes between foam cells). Fig. 7 shows the SEMs of the top surface of the porous foam sheets having a grooved macrotexture.

Prasad's SEMs also illustrate the various dimensional relationships between the claimed elements. Prasad anticipates all the features of the claimed invention.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Application/Control Number: 10/798,305 Page 4

Art Unit: 1794

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor S. Chang whose telephone number is 571-272-1474. The examiner can normally be reached on 7:00 am - 5:00 pm, Tuesday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Victor S Chang/ Primary Examiner, Art Unit 1794